



ARIZONA HOUSE OF REPRESENTATIVES

HB 2249: protective orders; filing requirements

PRIME SPONSOR: Representative Farnsworth E, LD 12

BILL STATUS: [House Engrossed](#)

Legend:

IAH-Injunction Against Harassment
IAWH-Injunction Against Workplace Harassment
LEA-law enforcement agency
NCIC-National Crime Information Center
OP-Order of Protection
Amendments – **BOLD** and ~~Stricken~~ (Committee)

Abstract

Relating to protective orders.

Provisions

IAH, IAWH and OP Petitions

1. Requires an affidavit, declaration, acceptance or return of service to be filed as soon as practicable, within 72 hours excluding weekends and holidays.
 - a. Filing must be completed in person, electronically or by fax. (Sec 2-4)
2. Provides that the court must register the IAH, IAWH or OP with NCIC within 24 hours of the filing. (Sec 2-4)
3. Requires the Supreme Court, instead of the sheriff, to maintain a central repository for IAHs, IAWHs and OPs for verification purposes. (Sec 2-4)
4. Requires the plaintiff's contact information to be disclosed to the court for purposes of service and notification.
 - a. This information is not listed on the petition, must be maintained in a separate document or database and is not subject to disclosure except as ordered by the court. (Sec 2-4)
5. Replaces the following terms throughout the protective order statutes:
 - a. "Petitioner" is replaced by "plaintiff;"
 - b. "Respondent" is replaced by "defendant." (Sec 2-5)

Service of OPs

6. Requires the court to provide the OP to an LEA, constable or other authorized person for service, after the order is granted. (Sec 4)
7. Requires the service entity to provide confirmation of service to the plaintiff as soon as practicable. (Sec 4)
8. States that if service cannot be completed within 15 days after the agency or entity receives the order, the entity attempting service must notify the plaintiff and continue to try to serve the defendant. (Sec 4)
9. Permits plaintiff notification through a victim notification system. Defines *victim notification system*. (Sec 4)
10. Outlines the appropriate agency/entity to complete the service, depending on where the order originates. (Sec 4)

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note

11. States that an emergency OP expires at the close of the next judicial business day, or 72 hours after issuance, whichever is longer. (Sec 5)
12. Requires a judicial officer who issues an oral emergency OP to document the order as soon as practicable. (Sec 5)
13. Requires the LEA to file a certificate of service with the court and register the emergency OP with NCIC as soon as practicable. (Sec 5)
14. Removes the requirement for an LEA to request that a prosecutorial agency file charges for a violation of a protective order. (Sec 4)
15. Removes the prohibition on adjudicating a violation of a protective order in a municipal or justice court unless a complaint is filed or other process is requested by the prosecutor. (Sec 4)

Miscellaneous

16. Provides that an IAH, IAWH or OP expires if it is not served on the defendant within one year of issuance. (Sec 2-4)
17. Contains an effective date of January 1, 2020. (Sec 6)
18. Makes technical, conforming and clarifying changes. (Sec 1-5)

Current Law

There are two main types of protective orders that can be sought when a person is experiencing harassment or to prevent an act of domestic violence. The type of order is dependent upon the relationship between the parties:

- An [OP](#) is used for situations where the parties live together, have children together or experience a similar familial relationship;
- An [IAH](#) or [IAWH](#) is used when there is no familial relationship between the parties and can be issued for either individuals or workplaces.

A person seeking an order can file a petition with the court, the other party has a right to respond through a hearing. If the court issues the protective order, it must be served on the other party before it becomes effective. The seeking party can either have the order served through law enforcement or by a private process server. The order must be served within one year of it being signed, if it is not served within one year the order expires.

Additional Information

NCIC is an electronic clearinghouse of crime data maintained by the Federal Bureau of Investigation. This information is made available to criminal justice agencies across the country on a 24-hour basis for verification purposes. There are 21 files in the database, including Protection Orders.